

Application Serial No: 10/533,150
Responsive to the Office Action mailed on: July 8, 2008

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IN THE DRAWINGS

The drawings are amended to correct informalities. The Replacement Sheet of Figures 13A and 13B is submitted so as to be designated as prior art. No new matter is added.

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REMARKS

This Amendment is in response to the Office Action mailed on July 8, 2008. Claims 1-3, 5, 7, 8 and 10-12 are amended. Claim 1 is amended and is supported, for example, in the specification at page 9, lines 23-24; page 12, line 18-page 13, line 2; and page 13, lines 11-22 and in Figures 2 and 4-7. Claims 2, 3, 5, 7, 8, 11 and 12 are amended editorially to track the amendments to claim 1. Claim 10 is amended and is supported, for example, in the specification at page 16, line 23-page 18, line 2 and in Figures 8 and 9. Claim 4 is cancelled without prejudice or disclaimer. No new matter is added. Claims 1-3 and 5-12 are pending.

Drawing Objections:

Figures 1, 3, 13A and 13B are objected to for including reference characters not described in the specification. In particular, the objection notes that reference characters I and II in Figure 1; Va and Vb in Figure 3; 9A, 90A and 91A in Figure 13A; and 9B, 90B, 91B and 92B in Figure 13B are not shown. With respect to Figure 1, Applicants note that a reference character I is not shown in Figure 1 and reference characters II are described on page 10, lines 10-11 of the specification. With respect to Figure 3, reference characters Va and Vb are described on page 7, lines 16-18 of the specification. With respect to Figures 13A and 13B, reference characters 9A, 90A, 91A, 9B, 90B, 91B and 92B are described on page 1, line 20-page 3, line 19 of the specification. Withdrawal of these objections is requested.

Specification Objections:

Figures 13A and 13B are objected to as not being designated as prior art. Figures 13A and 13B are amended to be designated as prior art as suggested by the Examiner. Withdrawal of these objections is requested.

§102 Rejections:

Claims 1-12 are rejected as being anticipated by Miyake (US Patent No. 6,383,452). This rejection is traversed.

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Claim 1 is directed to an analyzing tool that requires, among other features, a common channel provided at the peripheral portion of the tool and communicating with the plurality of individual channels. Claim 1 also requires a plurality of first gas exhaust holes each having an opening closed by a first seal, and a second gas exhaust hole having an opening closed by a second seal. Also, each individual channel includes a reaction site and a branch offset from the reaction site toward the liquid inlet, the branch communicating with a corresponding one of the plurality of first gas exhaust holes, and wherein the common channel communicates with the second gas exhaust hole.

Miyake does not disclose or suggest these features. Miyake is directed to a chemical analyzer and chemical analyzing system that includes an introducing portion (11), multiple flow passages (13) (see column 5, line 52-column 6, line 42 and Figures 1 and 3(A) of Miyake). However, nowhere does Miyake disclose or suggest a common channel provided at a peripheral portion of a tool and communicating with a plurality of individual channels, as required by claim 1. Also, nowhere does Miyake disclose or suggest a plurality of first gas exhaust holes each having an opening closed by a first seal, or a second gas exhaust hole having an opening closed by a second seal, as required by claim 1. Further, nowhere does Miyake disclose or suggest that each individual channel includes a reaction site and a branch offset from the reaction site toward the liquid inlet, the branch communicating with a corresponding one of the plurality of first gas exhaust holes, and wherein the common channel communicates with the second gas exhaust hole, as required by claim 1. For at least these reasons claim 1 is not disclosed by Miyake and should be allowed. Claims 2, 3 and 5-9 and 12 depend from claim 1 and should be allowed for at least the same reasons.

Claim 10 is directed to an analyzing apparatus for performing analysis of a sample liquid using an analyzing tool in accordance with claim 1 that requires, among other features, a first opening-forming element for simultaneously breaking the first seals at first gas exhaust holes and a second opening-forming element for breaking a second seal at a second gas exhaust hole.

Miyake does not disclose or suggest these features. As discussed above, Miyake does not disclose or suggest first gas exhaust holes, a second gas exhaust hole, first seals or a second seal. Accordingly, Miyake also cannot disclose or suggest a first opening-

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forming element for simultaneously breaking the first seals at first gas exhaust holes and a second opening-forming element for breaking a second seal at a second gas exhaust hole, as required by claim 10. For at least these reasons claim 10 is not disclosed by Miyake and should be allowed. Claim 11 depends from claim 1 and should be allowed for at least the same reasons.

Conclusion:

Applicants respectfully assert that claims 1-3 and 5-12 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



Dated: January 8, 2009

Respectfully submitted,

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